

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

Case No. 13-cv-14040
Honorable Sean F. Cox

v.

Seven Hundred Twenty-Eight
Thousand Five Dollars and Twenty-
Seven Cents (\$728,005.27) in U.S. Currency
from Citizens Bank of Michigan Account
04536291935,

Seventy-Six Thousand One
Hundred Thirty-Six Dollars (\$76,136) in U.S.
Currency,

Four Thousand Nine Hundred Forty-Six
(4,946) Assorted Cellular Devices
and Electronics,

Three Hundred Sixty-Five (365) Assorted
Cellular Devices, and

Twenty (20) Assorted Cellular Devices,

Defendants *in rem*.

**Stipulation to Reopen and For Entry of Consent Judgment and Final Order of
Forfeiture**

The parties, by and through undersigned counsel, **STIPULATE** and
AGREE as follows:

1. On September 20, 2013, the United States of America filed a verified forfeiture complaint, pursuant to 18 U.S.C §§ 981(a)(1)(A), (C). (ECF No. 1).

2. The civil complaint sought forfeiture of the following defendants *in rem*:

A. Seven Hundred Twenty-Eight Thousand Five Dollars and Twenty-Seven Cents (\$728,005.27) in U.S. currency from Citizens Bank of Michigan Account 04536291935, held in the name of iBuy Express, Inc. and/or Nadine Patto, seized on or about April 9, 2013, by the United States Secret Service pursuant to the execution of a Federal Seizure warrant;

B. Seventy-Six Thousand One Hundred Thirty-Six Dollars (\$76,136.00) in U.S. currency seized on or about April 10, 2013, at 10XXX Telegraph Road, Taylor, Michigan, by the United States Secret Service, pursuant to the execution of a Federal Search and Seizure warrant;

C. Four Thousand Nine Hundred Forty-Six (4,946) Assorted Cellular Devices and Electronics, seized on or about April 10, 2013, at 79XX Beech Daly Road, #1XX, Taylor, Michigan, by the United States Secret Service, pursuant to the execution of a Federal Search and Seizure warrant, and being more particularly described as follows:

- (3,780) Samsung A157 Go Phone Cellular Phones
- (644) US Cellular Prepaid Cellular Phones
- (314) Verizon Unlimited GUST02 Cellular Phones
- (101) Apple iPhone 4S Cellular Phones

- (47) Apple iPhone 5 Cellular Phones
- (18) Samsung Galaxy S III Cellular Phones
- (19) Samsung Galaxy Note II Cellular Phones
- (7) HTC One Cellular Phones
- (5) HTC New Castle Cellular Phones
- (1) HTC 8X Cellular Phone
- (1) 60" Sharp Aquos LED Television
- (1) HP Touchsmart 320 Computer
- (7) Apple iPad 2 Tablets
- (1) Blackberry Z10 Cellular Phone

D. Three Hundred Sixty-Five (365) Assorted Cellular Devices, seized on or about April 9, 2013, at 28XXX W. 5M Center Drive, Romulus, Michigan, by the United States Secret Service, pursuant to the execution of a Federal Search and Seizure warrant, and being more particularly described as follows:

- (171) Apple iPhone 4S Cellular Phones
- (180) Apple iPhone 5 Cellular Phones
- (7) Samsung Galaxy Note II Cellular Phones
- (7) Blackberry Z10 Cellular Phones

E. Twenty (20) Assorted Cellular Devices Valued at \$5,900, seized on or about April 10, 2013 at 10XXX Telegraph Road, Taylor, Michigan, by the United States Secret Service, pursuant to the execution of a Federal Search and Seizure warrant, and being more particularly described as follows:

- (6) Apple iPhone 4S Cellular Phones
- (3) Samsung Galaxy Note II Cellular Phones
- (3) Samsung Galaxy S III Cellular Phones

- (8) Apple iPhone 5 Cellular Phones

3. The United States completed service of the complaint for forfeiture on September 27, 2013, ECF No. 2, and completed online publication of the Notice of Forfeiture Action on an official government internet site, (www.forfeiture.gov) on October 30, 2013. (ECF No. 57).

4. On October 16, 2013, Claimants Athir “Art” Patto, Nadine Patto, and iBuy Express, Inc. (through Nadine Patto), collectively referred to as Claimants, filed claims of interest to the Defendants *in rem*. (ECF Nos. 8, 9, 10).

5. No other verified claims have been filed in this judicial action with regard to the defendants *in rem*, and the time for filing such claims has expired.

6. Pursuant to 18 U.S.C § 981(g), on November 12, 2013, this case was administratively closed by agreement of the parties in light of an underlying and related criminal investigation. (ECF No. 11). The government subsequently filed periodic status reports, the last of which was filed on July 17, 2024. (ECF No. 56). The final status report advised the court that the parties had reached an agreement in principle to reopen and resolve this civil proceeding.

7. Plaintiff, the United States of America, and Claimants, Athir “Art” Patto, Nadine Patto, and iBuy Express, Inc., by and through their attorney, Jorin Rubin, wish to resolve this matter without further litigation and expense.

Now therefore, the parties stipulate as follows:

- A. The order administratively closing this civil *in rem* forfeiture action is vacated and these proceedings are hereby reopened for final resolution.
- B. This is a civil *in rem* forfeiture action brought against the defendants *in rem* pursuant to 18 U.S.C §§ 981(a)(1)(A), (C).
- C. This Court has jurisdiction and venue over this action pursuant to 28 U.S.C. §§ 1345, 1355, 1391, and 1395.
- D. The allegations of the Complaint for Forfeiture are well taken, the United States and its agents had reasonable cause for the seizure of the defendants *in rem*, and the position of the United States in this action is substantially justified as provided in 28 U.S.C. § 2412(d)(1)(B).
- E. Claimants shall not claim or seek attorney fees from the United States under the Civil Asset Forfeiture Reform Act, the Equal Access to Justice Act, or any other act, statute or regulation.
- F. Acceptance of this settlement by Claimants does not constitute an admission of liability or an acknowledgement of any wrongdoing whatsoever on the part of the Claimants.
- G. Claimants hereby withdraw any and all claims they have made to the defendants *in rem*, including any administrative claims of interest and petitions for remission or mitigation filed with any agency of the United States.

H. The following amount of the defendants *in rem* **SHALL NOT BE FORFEITED** and instead **SHALL BE DISBURSED** to Claimant Athir Patto, less any debt owed to the United States, any agency of the United States, or any debt in which the United States is authorized to collect from Claimant Athir Patto, including but not limited to any debts collected through the Treasury Offset Program:

- i. **\$225,159.55** of defendant *in rem* \$728,005.27 in U.S. Currency from Citizens Bank of Michigan Account 04536291935; and
- ii. **All interest accrued, up until the date of disbursement, on the total \$804,141.27 defendant *in rem* U.S. currency seized** (consisting of defendant *in rem* \$728,005.27 in U.S. Currency from Citizens Bank of Michigan Account 04536291935 and defendant *in rem* \$76,136 in U.S. Currency). As of on or about April 18, 2024, the accrued interest was \$96,472.27.

I. Following entry of this stipulated consent judgment and receipt by the U.S. Attorney's Office of Claimant Athir Patto's social security number and the necessary Automated Clearing House (ACH) information for electronic deposit, the United States Secret Service or its delegate shall disburse the funds specified in paragraph 7(H)(i-ii), through the Electronic Payment System by means of electronic deposit to attorney Jorin Rubin's designated IOLTA account.

J. The remainder of the defendants *in rem*, as specified here and further referred to as the "Forfeited Property," **IS HEREBY FORFEITED** to the United

States of America pursuant to 18 U.S.C. §§ 981(a)(1)(A) and (C):

- i. **\$502,845.72** of defendant *in rem* \$728,005.27 in U.S. Currency from Citizens Bank of Michigan Account 04536291935;
- ii. \$76,136 in U.S. Currency;
- iii. Four Thousand Nine Hundred Forty-Six (4,946) Assorted Cellular Devices and Electronics, as further specified in paragraph 2(C) of this consent judgment;
- iv. Three Hundred Sixty-Five (365) Assorted Cellular Devices, as further specified in paragraph 2(D) of this consent judgment; and
- v. Twenty (20) Assorted Cellular Devices, as further specified in paragraph 2(E) of this consent judgment.

Any right, title or interest of Claimants Athir Art Patto, Nadine Patto, and iBuy Express, Inc. in the Forfeited Property are hereby and forever **EXTINGUISHED**, and clear title to said property shall hereby be **VESTED** in the United States of America, and the United States Secret Service, or its delegate, is **AUTHORIZED** to dispose of the Forfeited Property according to law.

K. Upon entry of this judgment, Claimants forever waive any appellate rights they may have pertaining to this civil forfeiture action.

L. Claimants hereby knowingly and voluntarily waive any and all rights to reimbursement by the United States of reasonable attorney fees and litigation costs in connection with this civil forfeiture action under 28 U.S.C. § 2465(b)(1)(A), or any other statute that might conceivably apply. The United

States hereby waives any and all rights to reimbursement by the claimants of any attorney fees or litigation costs that may conceivably apply in connection with this civil forfeiture action.

M. Claimants agree to release, remise, and discharge plaintiff, the United States of America, and any of its agencies involved in this civil forfeiture matter, including the Department of Homeland Security, Department of Justice, United States Secret Service, the United States Attorney's Office, and their agents, officers and employees, past and present, from all claims or causes of action which Claimants, their agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

N. The parties to this stipulated judgment have discussed this settlement with counsel, and fully understand its terms and conditions and the consequences of entering into it. Claimants acknowledge that they are represented in this action by the same attorney. Claimants agree to waive any attorney representation conflicts pertaining to their representation in this forfeiture action, including entry of this stipulated settlement. Claimants acknowledge that their attorney has discussed the issue regarding conflicts with them and that they do not believe that any conflicts exist. To the extent any conflicts exist, Claimants agree to waive those conflicts.

O. The parties agree that each shall bear their own costs and fees in this matter.

Wherefore, the parties consent to the entry of this Stipulation to Reopen and for Entry of Consent Judgment and Final Order of Forfeiture. Upon entry, this case shall be dismissed with prejudice and closed.

Agreed as to form and substance:

Dawn N. Ison

United States Attorney

s/Gjon Juncaj

Gjon Juncaj (P63256)

Assistant United States Attorney

211 W. Fort Street, Ste. 2001

Detroit, MI 48226-3211

(313) 226-0209

gjon.juncaj@usdoj.gov

Dated: August 9, 2024

s/Jorin G. Rubin (see attached)

Jorin G. Rubin (P60867)

Attorney for Claimants

600 S Adams Rd, Ste. 300

Birmingham, MI 48009

(248) 799-9100

jorinrubin@comcast.net

Dated: August 5, 2024

s/Athir Patto (see attached)

Athir "Art" Patto, Claimant

Dated: August 5, 2024

s/Nadine Patto (see attached)

Nadine Patto, Claimant

Individually and on behalf of iBuy

Express, Inc., as owner and president.

Dated: August 5, 2024

IT IS SO ORDERED.

Dated: August 14, 2024

s/Sean F. Cox

Sean F. Cox

U. S. District Judge

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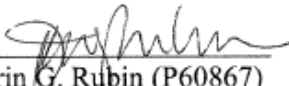
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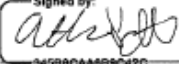
Agreed as to form and substance:

Dawn N. Ison
United States Attorney
s/Gjon Juncaj
Gjon Juncaj (P63256)
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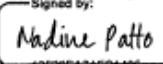
Dated: August __, 2024

s/ 
Jorin G. Rubin (P60867)
Attorney for Claimants
600 S Adams Rd, Ste. 300
Birmingham, MI 48009
(248) 799-9100
jorinrubin@comcast.net

Dated: August __, 2024

Signed by: 
345880AA5850420...
Athir "Art" Patto, Claimant

Dated: August^{5.00} __, 2024

Signed by: 
13020EA7AED1480...
Nadine Patto, Claimant
Individually and on behalf of iBuy
Express, Inc., as owner and president.

Dated: August^{5.00} __, 2024

IT IS SO ORDERED.

Honorable Sean F. Cox
United States District Judge